

B3 33/56. (Amended) A glove made according to the method of claim 53. 30

REMARKS

Reconsideration of the above-identified application in view of the amendment above and the remarks below is respectfully requested.

No claims have been canceled herein. Claims 8, 42 and 56 have been amended herein. No new claims have been added herein. Therefore, claims 1-6, 8-11 and 13-57 are pending and under consideration.

In the outstanding Office Action, the Patent Office communicated the following restriction requirement:

This application contains claims directed to the following patentably distinct species of the claimed invention:

**Species Group I:**

- (A) trans pentenamer and its copolymers;
- (B) ethylene pimelate and its copolymers;
- (C) trans-1,4-polybutadiene and its copolymers;
- (D) synthetic cis-1,4-polyisoprene and its copolymers;
- (E) polyurethane elastomers and their copolymers

**Species Group II:**

- (a) a condom
- (b) a glove
- (c) catheter or condom-catheter
- (d) oral dam or dental drain
- (e) wound cover, stretchy bandage, tourniquet or elastic band
- (f) delimiter or surgical field
- (g) a baby bottle nipple or pacifier
- (h) injection port.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Applicant is required to elect one species from Group I and one

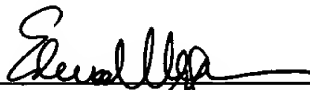
species from Group II for examining purposes. Currently, no claims are generic.

In response to the foregoing restriction requirement, Applicants respectfully elect from Species Group I - (D) synthetic cis-1,4-polyisoprene and its copolymers - and respectfully elect from Species Group II - (b) a glove. Claims 1, 3, 5-6, 12-13, 17-19, 32, 46, 51, 53 and 56 are readable on the elected species.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

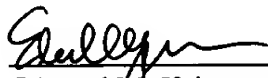
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Dated: October 15, 2002

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Fee Amendment, Commissioner for Patents, Washington, D.C. 20231 on October 15, 2002



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MARKED-UP AMENDED CLAIMS 8, 42 AND 56

8. (Amended) [The] A method [as set forth in claim 5, wherein the rubbery material comprises] for the manufacture and use of a rubbery material having a transition temperature, the method comprising the steps of:

(i) manufacturing and cross-linking the rubbery material to a first shape and size, the rubbery material comprising a substance, said substance comprising polyurethane elastomers and its copolymers;

(ii) after performing step (i), applying energy to the rubbery material, where the application of energy is equivalent in result to raising the rubbery material's temperature to at least the transition temperature;

(iii) after performing step (i), stretching the rubbery material to a second shape and size, wherein steps (ii) and (iii) are performed in such a way that the rubbery material is in a state in which it is both in the second shape and size and its effective temperature is at least the transition temperature; and

(iv) after steps (ii) and (iii) have been performed, reducing the effective temperature of the rubbery material below the transition temperature while the rubbery material is kept in the second shape and size so that the rubbery material remains in the second shape and size until subsequent application of energy to the rubbery material equivalent in result to raising its temperature to at least the transition temperature whereupon the rubbery material shrinks from the second shape and size toward the first shape and size.

42. (Amended) [The] A rubbery material [as claimed in claim 1] having a first shape and size, a second shape and size, and a transition temperature, wherein the rubbery material shrinks

from the second shape and size toward the first shape and size after the application of energy to the rubbery material where the application of energy is equivalent in result to raising the rubbery material's temperature to at least the transition temperature, wherein the rubbery material comprises a substance, said substance [comprises] comprising polyurethane elastomers and their copolymers.

56. (Amended) A glove made according to the method of claim [36] 53.